

Application/Control Number: 10/538,838

Art Unit: 4121

April 9, 2009

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Remarks

In compliance with the requirement of the Examiner under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, Applicant hereby elects:

a) in response to the Examiner's request to select a chemical species of formula (I) as recited by claims 9 and 10: a compound of formula (I) wherein n is 0 or an integer from 1 to 5; R is the -CONH<sub>2</sub> group; A is the -CONHCH<sub>2</sub>CH<sub>2</sub>- group, R<sub>1</sub> is the -C(=NH)-NH<sub>2</sub> group; and

b) in response to the Examiner's request to elect a single endoparasitosis in claim 11: Coccidiosis.

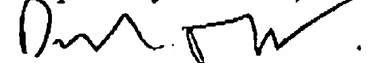
New claim 13 encompasses the elected species and claims 9-12 are generic.

Upon the allowance of a generic claim, the Applicant will be anyway entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

The election is made with traverse. The present application is the US phase of a PCT application, for which the provisions of PCT Rule 13.1 apply. Claims 9-12, corresponding to original PCT claims 1-8 reformulated as method of treatment claims, fulfill the requirements of PCT Rule 13.1. In fact, a lack of unity objection was not raised by the PCT Search Authority that has considered the unity of invention of original claims 1-8, and claims 9-12 are based on the same inventive concept as original PCT claims 1-8.

In any event, right is reserved to file a divisional application for the non-elected species.

Respectfully submitted,



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